

APR 14 1986

JOSEPH F. SPANIOL, JR.  
CLERK

IN THE  
**Supreme Court of the United States**  
October Term, 1985

CHARLES A. BOWSHER, Comptroller General of the  
United States,

*Appellant,*

*v.*

MIKE SYNAR, Member of Congress, et al.,

*Appellees.*

UNITED STATES SENATE,

*Appellant,*

*v.*

MIKE SYNAR, Member of Congress, et al.,

*Appellees.*

THOMAS P. O'NEILL, Jr., Speaker of the United States  
House of Representatives, et al.,

*Appellants,*

*v.*

MIKE SYNAR, Member of Congress, et al.,

*Appellees.*

**On Appeal from the United States District Court  
for the District of Columbia**

**MOTION FOR LEAVE TO FILE BRIEF AMICUS  
OUT OF TIME**

NEIL H. COGAN  
*Attorney of Record*  
Storey Hall #302  
Southern Methodist University  
School of Law  
Dallas, Texas 75275  
(214) 692-2579

app

Nos. 85-1377, 85-1378, 85-1379  
IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1985

CHARLES A. BOWSHER, COMPTROLLER GENERAL OF  
THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.,  
APPELLEES

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UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.,  
APPELLEES

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THOMAS P. O'NEILL, JR., SPEAKER OF THE  
UNITED STATES HOUSE OF REPRESENTATIVES,  
ET AL., APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.,  
APPELLEES



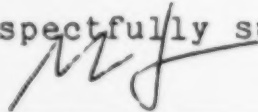
MOTION FOR LEAVE TO FILE

AMICUS CURIAE

OUT OF TIME

Please note that on April 15, 1986,  
the undersigned will move for an order  
granting the American Jewish Congress leave  
to file its brief amicus curiae out-of-  
time for the reasons stated in the attached  
affidavit.

Respectfully submitted



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Marc D. Stern  
American Jewish Congress  
15 East 84th Street  
New York, New York 10028  
(212) 879-4500



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AFFIDAVIT

ss: STATE OF NEW YORK  
COUNTY OF NEW YORK

Marc D. Stern, a member of the Bar of this Court, being properly sworn, deposes and says:

1. I submit this affidavit in support of the motion of the American Jewish Congress, ("AJCongress") for leave to file its brief amicus curiae out-of-time in the above-captioned case.
2. When this Court announced on February 24, 1986, 54 U.S.L.W. 3561 (1986), that it would hear the appeals in these cases, the undersigned contacted AJCongress' Washington office and directed it to find out from counsel for Synar what the briefing schedule would be.



3. In reply, I received the attached memorandum, noting only an April 9th filing date. Furthermore, none of the letters consenting to the filing of the brief amicus, nor indeed, the Court's order of February 24th, made a reference to the fact that the agreed upon briefing schedule required service by any specific time on April 9th.

4. In accordance with my usual practice, and in reliance on Rule 28.2 of this Court, I instructed my printer, Bar Press, Inc., to mail the brief to the Court and the parties. But for the unusual provisions of



Court's scheduling order, the brief would  
have been filed in timely fashion.



Marc D. Stern

SWORN TO BEFORE ME  
THIS 11th DAY OF APRIL 1986



NOTARY PUBLIC

ROBERT A. KENNEDY  
Notary Public, State of New York  
No. 3140 of 13  
Queens County  
Commission Expires 04/03/1987

**BEST AVAILABLE COPY**

